

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

SENECA NATION OF INDIANS,

Plaintiff,

v.

Index No. _____

STATE OF NEW YORK,

Defendant.

DECLARATION OF CAROL E. HECKMAN

CAROL E. HECKMAN, being duly admitted to the practice of law in the State of New York and before the United States District Court for the Western District of New York, declares as follows:

1. I am an attorney admitted to practice law in the State of New York and am a partner at the law firm of Lippes Mathias Wexler Friedman LLP, which serves as counsel for the Petitioner Seneca Nation of Indians (“Nation”) in this matter.

2. This Declaration is in support of the Nation’s Notice of Motion and Motion to Vacate the Final Arbitration Award issued against the Nation by two members of the three-member arbitration panel on April 12, 2019, in American Arbitration Association Case Number 01-17-0005-3636.

3. I have personal knowledge of the matters set forth herein.

4. This Declaration places before the Court documents directly relevant to matters raised in the Petition and the Notice of Motion and Motion to Vacate the Final Arbitration

Award. Each of these documents is either part of the record before the arbitration panel or a public record.

5. Attached as Exhibit A is the arbitration panel's Final Award dated April 12, 2019 ("Final Award").

6. Attached as Exhibit B is the arbitration panel's Partial Final Award dated January 7, 2019 ("Partial Final Award").

7. Attached as Exhibit C is the dissenting opinion of Kevin Washburn, one of the three members of the arbitration panel and previously the Assistant Secretary of Indian Affairs at the Department of the Interior, also dated January 7, 2019 ("Dissent").

8. Attached as Exhibit D is a copy of the Nation-State Gaming Compact between the Seneca Nation of Indians and the State of New York (without appendices, not relevant here) ("Compact").

9. Attached as Exhibit E is a letter from the Secretary of the Department of the Interior dated November 12, 2002, deeming the Compact approved "but only to the extent the compact is consistent with the provisions of [the Indian Gaming Regulatory Act]." ("DOI Decision Letter" at 7 -8).

10. Attached as Exhibit F is a Technical Assistance Letter from the Department of the Interior to the Nation dated January 19, 2017 ("Technical Assistance Letter").

11. Attached as Exhibit G is a September 30, 2002, letter from the Department of the Interior to the State of New York requesting clarification and/or additional documentation concerning the proposed Compact ("DOI Clarification Letter").

12. Attached as Exhibit H is an October 11, 2002, letter from the State of New York to the Department of the Interior ("State Letter").

13. Attached as Exhibit I is an October 11, 2002, letter from the Nation to the Department of the Interior (“Nation Letter”).

14. Attached as Exhibit J is a December 15, 2017, letter from the Department of the Interior to the Nation regarding the Technical Assistance Letter (“Withdrawal Letter”).

15. Attached as Exhibit K is an April 16, 2019, letter from the Nation to the Department of the Interior requesting Department review of the Panel’s amendment to the Compact (“Amendment Submission”).

16. Attached as Exhibit L is the Statement of Defense dated October 26, 2018, submitted by the Nation in the arbitration proceeding (“Statement of Defense”).

17. Attached as Exhibit M are excerpts of the transcript from the arbitration hearing held on December 13, 2018 (“Hearing Transcript” at 230-33, 281-82).

18. Attached as Exhibit N is the State’s Demand for Arbitration dated September 7, 2017 (“Demand for Arbitration”).

19. Attached as Exhibit O is the June 3, 2019, letter from the Department of the Interior responding to the Amendment Submission (“Response to Submission”).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2019.

s/ Carol E. Heckman
Carol E. Heckman